

Federal Aviation Administration, DOT

§ 13.305

(3) Is assessed or enforced pursuant to an administrative proceeding or a civil action in the Federal courts.

(b) *Consumer Price Index* means the Consumer Price Index for all urban consumers published by the Department of Labor.

§ 13.305 Cost of living adjustments of civil monetary penalties.

(a) Except for the limitation to the initial adjustment to statutory maximum civil monetary penalties or range of minimum and maximum civil monetary penalties set forth in paragraph (c) of this section, the inflation adjustment under this subpart is determined by increasing the maximum civil monetary penalty or range of minimum and maximum civil monetary penalty by the cost-of-living adjustment. Any increase determined under paragraph (a) of this section is rounded to the nearest:

(1) Multiple of \$10 in the case of penalties less than or equal to \$100;

(2) Multiple of \$100 in the case of penalties greater than \$100 but less than or equal to \$1,000;

(3) Multiple of \$1,000 in the case of penalties greater than \$1,000 but less than or equal to \$10,000;

(4) Multiple of \$5,000 in the case of penalties greater than \$10,000 but less than or equal to \$100,000;

(5) Multiple of \$10,000 in the case of penalties greater than \$100,000 but less than or equal to \$200,000; and

(6) Multiple of \$25,000 in the case of penalties greater than \$200,000.

(b) For purposes of paragraph (a) of this section, the term “cost-of-living adjustment” means the percentage (if any) for each civil monetary penalty by which the Consumer Price Index for the month of June of the calendar year preceding the adjustment exceeds the Consumer Price Index for the month of June of the calendar year in which the amount of such civil monetary penalty was last set or adjusted pursuant to law.

(c) *Limitation on initial adjustment.* The initial adjustment of maximum civil penalty or range of minimum and maximum civil monetary penalties made pursuant to this subpart does not exceed 10 percent of the statutory maximum civil penalty before an adjustment under this subpart is made. This limitation applies only to the initial adjustment, effective on January 21, 1997.

(d) *Inflation adjustment.* Minimum and maximum civil monetary penalties within the jurisdiction of the FAA are adjusted for inflation as follows: Minimum and Maximum Civil Penalties—Adjusted for Inflation, Effective March 13, 2002.

United States Code citation	Civil monetary penalty description	Minimum penalty amount	New adjusted minimum penalty amount	Maximum penalty amount when last set or adjusted pursuant to law	New or Adjusted Maximum penalty amount
49 U.S.C. 5123(a)	Violations of hazardous materials transportation law, regulations, or orders..	\$250 per violation adjusted 1/27/1997.	\$250 per violation.	\$27,500 per violation adjusted 1/21/1997.	\$30,000 per violation, adjusted effective 3/30/02.
49 U.S.C. 46301(a)(1)	Violations of statutory provisions listed in 49 U.S.C. 46301(a)(1), regulations prescribed, or orders issued under those provisions..	N/A	N/A	\$1,100 per violation, adjusted 1/21/1997.	\$1,100 per violation, adjusted 1/21/1997.
49 U.S.C. 46301(a)(2)	Violations of statutory provisions listed in 49 USC 46301(a)(2), regulations prescribed, or orders issued under those provisions by a person operating an aircraft for the transportation of passengers or property for compensation.	N/A	N/A	\$11,000 per violation, adjusted 1/21/1997.	\$11,000 per violation, adjusted 1/21/1997.
49 U.S.C. 46301(a)(3)(A)	Violations of statutory provisions listed in 49 U.S.C. 46301(a)(1), regulations prescribed, or orders issued under those provisions relating to the transportation of hazardous materials by air..	N/A	N/A	\$11,000 per violation, adjusted 1/21/1997.	\$11,000 per violation, adjusted 1/21/1997.

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United States Code citation	Civil monetary penalty description	Minimum penalty amount	New adjusted minimum penalty amount	Maximum penalty amount when last set or adjusted pursuant to law	New or Adjusted Maximum penalty amount
49 U.S.C. 46301(a)(3)(B)	Violations of statutory provisions listed in 49 U.S.C. 46301(a)(1), regulations prescribed, or orders issued under those provisions relating to the registration or recordation under chapter 441 of Title 49, United States Code, or an aircraft not used to provide air transportation..	N/A	N/A	\$11,000 per violation, adjusted 1/21/1997.	\$11,000 per violation, adjusted 1/21/1997.
49 U.S.C. 46301(a)(3)(C)	Violations of 49 U.S.C. 44718(d), or regulations prescribed or orders issued under it, relating to limiting construction or establishment of landfills.	N/A	N/A	\$10,000, set 10/9/1996.	\$10,000, set 10/9/1996.
49 U.S.C. 46301(a)(3)(D)	Violations of 49 U.S.C. 44725, or regulations prescribed or orders issued under it, relating to the safe disposal of life-limited aircraft parts.	N/A	N/A	\$10,000, adopted 4/5/2000.	\$10,000, adopted 4/5/2000.
49 U.S.C. 46301(b)	Tampering with a smoke alarm device..	N/A	N/A	\$2,200 per violation, adjusted 1/21/1997.	\$2,200 per violation, adjusted 1/21/1997.
49 U.S.C. 46302	Knowingly providing false information about alleged violations involving the special aircraft jurisdiction of the United States..	N/A	N/A	\$11,000 per violation, adjusted 1/21/1997.	\$11,000 per violation, adjusted 1/21/1997.
49 U.S.C. 46303	Carrying a concealed dangerous weapon.	N/A	N/A	\$11,000 per violation, adjusted 1/21/1997.	\$11,000 per violation, adjusted 1/21/1997.
49 U.S.C. 46318	Interference with cabin or flight crew ..	N/A	N/A	\$25,000 per violation, adopted 4/5/2000.	\$25,000 per violation, adopted 4/5/2000.

[61 FR 67445, Dec. 20, 1996, as amended by Amdt. 13–28, 62 FR 4134, Jan. 29, 1997; 67 FR 6366, Feb. 11, 2002]

Subpart I—Flight Operational Quality Assurance Programs

§ 13.401 Flight Operational Quality Assurance Program: Prohibition against use of data for enforcement purposes.

(a) *Applicability.* This section applies to any operator of an aircraft who operates such aircraft under an approved Flight Operational Quality Assurance (FOQA) program.

(b) *Definitions.* For the purpose of this section, the terms—

(1) *Flight Operational Quality Assurance (FOQA) program* means an FAA-approved program for the routine collection and analysis of digital flight data gathered during aircraft operations, including data currently collected pursuant to existing regulatory

provisions, when such data is included in an approved FOQA program.

(2) *FOQA data* means any digital flight data that has been collected from an individual aircraft pursuant to an FAA-approved FOQA program, regardless of the electronic format of that data.

(3) *Aggregate FOQA data* means the summary statistical indices that are associated with FOQA event categories, based on an analysis of FOQA data from multiple aircraft operations.

(c) *Requirements.* In order for paragraph (e) of this section to apply, the operator must submit, maintain, and adhere to a FOQA Implementation and Operation Plan that is approved by the Administrator and which contains the following elements:

(1) A description of the operator's plan for collecting and analyzing flight